

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thanks the Examiner for carefully considering this application. Applicants also thank the Examiner for courtesies extended during the Examiner Interview conducted on September 7, 2007.

Interview Summary

Applicants have reviewed the Interview Summary mailed on September 17, 2007, and agree with its contents.

Disposition of Claims

Claims 1-7, 9-20, 30, and 33-36 are pending in this application. Claims 1 and 12 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 12.

Clarification of Pending Claims

The following section clarifies the numbering and status of the pending claims. On August 16, 2006, an RCE was filed for the referenced application. In the RCE, claims 1-7, 9-20, and 30-31 were pending. Claims 8, 21-29, and 32 were cancelled in the RCE. On April 16, 2007, a response was filed. In the response, new claims 32-35 were added. The numbering of the new claims was mistakenly started at claim 32, which had been previously cancelled, and not claim 33. In view of this, the list of claims in the instant response has been amended to correct this error.

Specifically, previously numbered claims 32-35 (*see* Response mailed April 16, 2007, pp. 6-7), have been re-numbered as claims 33-36 and the second instance of claim 30 has been correctly re-numbered as claim 31. Further, claim 32 has now been correctly designated as “cancelled.” Finally, the claims 34 and 36 have been amended to correctly depend from claims 33 and 35, respectively.

Claim Amendments

As discussed above, claims 33 and 35 have been amended to correct a typographical error in the claim dependencies. In addition, claims 34 and 36 have been amended to correct a minor typographical error. No new matter has been added by these amendments. Further, the amendments do not necessitate a new search.

Claim Objections

Claim 30 was objected because there were two instances of claim 30 in the previous response mailed on April 16, 2007. As discussed above, this informality has been corrected.

Rejections under 35 U.S.C. §103

Claims 1-7, 9-10, 12-19, and 32-35 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,438,606 (“Ward”) in view of U.S. Patent No. 7,143,151 (“Kayashima”). In view of the above clarification of the pending claims, the rejection should be directed to claims 1-7, 9, 10, 12-19, and 33-36. Applicants have responded to the rejection on this

basis. To the extent that the rejection applies to the pending claims, the rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, "...a first network, a data acquisition device connected to the first network; a second network, a mobile data acquisition unit consisting of a router and at least one host, wherein the at least one host is configured to communicate with the data acquisition device through the first network, wherein the router is configured to communicate with the at least one host, and wherein the router isolates the at least one host and the data acquisition device from the second network..."

Thus, independent claim 1 requires that the mobile data acquisition unit *only includes a single router* and one or more hosts. Specifically, the phrase "consisting of" explicitly limits the mobile data acquisition unit to a single router. See *Abbott Labs. v. Baxter Pharm. Prods., Inc.*, 334 F.3d 1274, 1281 (Fed.Cir.2003) (stating that "although 'a' without more generally could mean one or more in an open-ended patent claim, 'a' with 'consisting of'...indicates only one member of a Markush group"); *Norian Corp. v. Stryker Corp.*, 432 F.3d 1356 (Fed. Cir. 2005) (stating that "...this court has interpreted the word 'a' in its singular sense when...it has been used in conjunction with the closed transitional phrase 'consisting of'...[and], [t]hus, the claim language 'consisting of ... a sodium phosphate,' on its own, suggests the use of a single sodium phosphate..."); See MPEP § 2111.03.

Further, as recited in the claims, the host(s) in the mobile data acquisition unit includes functionality to configure the router to communicate with the second network. Thus, the host(s), which configures the router, is *only* able to communicate with devices on the first network and may *only* communicate with the second network through the single router in the mobile data acquisition

device. Accordingly, the host(s) may be connected to *at most one router*, where the router is used to isolate the at least one host and the data acquisition unit from the second network.

Turning to the rejection, “[t]o establish a *prima facie* case of obviousness...the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (*See* MPEP §2143). Applicants respectfully assert that the cited references do not teach or suggest the mobile data acquisition unit as recited in the pending claims.

In particular, the Examiner admits that Ward fails to explicitly teach or suggest a mobile data acquisition unit consisting of the router and at least one host. (*see* Office Action mailed on July 16, 2007, p. 4). However, the Examiner asserts that Kayashima teaches that which Ward lacks.

Specifically, the Examiner appears to be asserting that the organizational network (302), in which the Management Server (309) and the router (305) are located, corresponds to the “mobile data acquisition unit” as recited in the claims. *See* Office Action mailed on July 16, 2007, p. 4. The Applicants disagree.

First, the Applicants note that the “mobile data acquisition unit” is a physical “unit” which is able to move (*i.e.*, “mobile”)*. In contrast, the Examiner has attempted to equate the “mobile data acquisition unit” with an organizational network (302) in which the Management Server (309) and the router (305) are located, *see* Kayashima, Figure 3. Clearly, a non-moving organizational network cannot be equivalent to a mobile data acquisition unit.

* “Mobile data acquisition units tend to move about from day-to-day. Even though the WAN is consistent at the Internet protocol layer from one location to the next, the connection type, such as Ethernet, Dialup analog, Satellite, Wireless networks, etc., needed from one location to the next may vary.” *See* Publication of Application, [0012].

Second, even assuming *arguendo* that the organizational network (302) is “mobile”, there is no teaching or suggestion in Kayashima that the organizational network (302) includes only one router as required by the claims.

In view of the above, Ward and Kayashima, whether considered separately or in combination, fail to teach or suggest all the limitations of independent claims 1 and 12. Pending dependent claims are patentable over Ward and Kayashima for at least the same reason.

In addition to the arguments presented above, claims 33-36[†] are patentable over Ward and Kayashima for at least the following reason.

Claim 33 requires: that the mobile data acquisition unit includes multiple network interface cards. Claim 35 requires: (i) the selection of one of a plurality of network interface cards and (ii) that all the network interface cards are included in the mobile data acquisition unit. As discussed above, the Examiner has admitted that Ward does not teach or suggest a mobile data acquisition unit. Further, Kayashima is silent with respect to a mobile data acquisition unit including multiple network interface cards and/or the ability to select one of the network interface card. In view of the above, Ward and Kayashima, whether considered separately or in combination, fail to teach or suggest all the limitations of dependent claims 33 and 35. Dependent claims 34 and 36 are patentable over Ward and Kayashima for at least the same reasons as dependent claims 33 and 35, respectively. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11 and 20

[†] Previously rejected as claims 32-35, *see* Clarification of Pending Claims section.

Claims 11 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Kayashima and further in view of U.S. Patent No. 5,802,278 ("Isfeld"). For the reasons set forth below, the rejection is respectfully traversed.

Claims 11 and 20 depend from independent claim 1 and 12, respectively. As discussed above, neither Ward nor Kayashima teach or suggest all the limitations of independent claims 1 and 12. Further, Isfeld does not teach or suggest that which Ward and Kayashima lack. This is evidenced by the fact that Isfeld is only relied upon to teach "configuring the router not to send address of nodes in the first network to other routers" (Office Action mailed July 16, 2007, pp. 7-8).

Thus, Ward, Kayashima, and Isfeld, whether viewed separately or in combination, fail to teach or suggest all limitations of independent claims 1 and 12. Therefore, independent claims 1 and 12 are patentable over Ward, Kayashima, and Isfeld. Dependent claims are patentable over Ward, Kayashima, and Isfeld for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 30-31

Claims 30-31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Kayashima and further in view of Applicant Admitted Prior Art ("AAPA"). For the reasons set forth below, the rejection is respectfully traversed.

Claims 30 and 31 depend from independent claim 1 and 12, respectively. As discussed above, neither Ward nor Kayashima teaches or suggests all the limitations of independent claims 1 and 12. Further, AAPA does not teach or suggest that which Ward and Kayashima lack. This is

evidenced by the fact that AAPA is only relied upon to teach that "the data acquisition device comprises a down-hole transmitter" (Office Action mailed July 16, 2007, pp. 8-9).


Thus, Ward, Kayashima, and AAPA, whether viewed separately or in combination, fail to teach or suggest all limitations of independent claims 1 and 12. Therefore, independent claims 1 and 12 are patentable over Ward, Kayashima, and AAPA. Dependent claims 30 and 31 are patentable over Ward, Kayashima, and AAPA for at least the same reasons as presented above. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09244/039001).

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Respectfully submitted,

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